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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/434,727 11/05/99 RADOMSKY

I 24028

EXAMINER

TM02/1009

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TRAN. C

ART UNIT

PAPER NUMBER

2683
DATE MAILED:

10/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/434,727

Applicant(s)

RADOMSKY ET AL.

Examiner

Congvan Tran

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claims 1, 10 are objected to because of the following informalities:

In claim 1: Typo problem "follosteps" in line 3 and ("one") and ("two") in lines 4-5 are not required.

In claim 10: ("one") and ("two") in lines 4 and 6 are not required.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2 and 3 recite the limitation "in the step (a) each object transceiver" in line 6. There is insufficient antecedent basis for this limitation in the claim.

In claim 4 recite "a portable object operating according to any one of the preceding claims" in lines 3-4 is unclear.

Dependent claim 5 is rejected for the same reason as set forth above.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Radomsky et al. (6,211,790).

Regarding claims 1 and 6, Radomsky et al. disclose an infant and parent matching and security system and method of matching infant and parent comprising the steps of: transmitting successive data packet to the reader (see fig.2, elements 20, 30, 34, col.6, lines 24-26); upon termination of a transmission of each said data packets, open a time window for receiving a transmission from the reader (see fig. 26a-f, col.13, lines 5-26).

Regarding claims 2 and 7, Radomsky et al. further disclose the object transceiver is one of a plurality of object transceivers each worn by a person to whom a short message is to be transmitted and each having a respective unique ID and being able to effect autonomous transmission to reader (see fig.1-2, elements 20, 29, 30, 32, col.5, line 27-col.6, 23), and in step (a) each object transceiver transmits for a negligible fraction of its duty cycle thereby reducing a likelihood that two or more object transceivers will try to transmit simultaneously (see fig.22a-d, col.11, line 66-col.12, line 24).

Regarding claims 3 and 8, Radomski et al. further disclose the object transceiver is one of a plurality of object transceivers each worn by a person to whom a short message is to be transmitted and each having a respective unique ID and being able to effect autonomous transmission to reader (see fig.1-2, elements 20, 29, 30, 32, col.5, line 27-col.6, 23), and in step (a) each object transceiver has a randomly variable duty

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cycle thereby reducing a likelihood that two or more object transceivers will try to transmit simultaneously (see fig.23a-c, col.12, lines 25-43).

Regarding claims 4 and 9, Radomsky et al. disclose an infant and parent matching and security system and method of matching infant and parent comprising a server connected to a plurality of readers in order to send a message using IR data communication to a portable object transceiver operating according to any one of the preceding claims, said method comprising the following steps carries out by at least one of said readers (see fig.2, elements 24, 20, 30, and its description): awaiting receipt of a transmission from said portable object transceiver of a data packets (see fig.18, fig.25, elements 20, 34, 612, 614 and its description), and during the time window opened thereby, sending the message to the portable object transceiver from respective reader in communication with the object transceiver (see fig.25, elements 622, 626, col.12, lines 57-65 and fig.26a-f, col.13, lines 5-26).

Regarding claims 5 and 10, Radomski et al. further disclose the step of locating respective reader in communication with the portable objective transceiver (see col.2, lines 51-57, and col.6, lines 40-53) and sending the message from server to the respective reader for onward transmission to the portable object transceiver (see col.6, line 40-col.7, line 3).

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Shore (6,225,906) featuring a patient monitoring and alarm system.

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- Heller (6,154,139) featuring a method and system for locating subjects within a tracking environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Congvan Tran whose telephone number is 703-305-4024. The examiner can normally be reached on monday-thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


CONGVAN TRAN
PATENT EXAMINER

Congvan Tran
Examiner
Art Unit 2683

CT
October 1, 2001